

STATE OF WISCONSIN
BEFORE THE HEARING AND SPEECH EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

CHARLES M. BINNS,
RESPONDENT.

:
:
:
: FINAL DECISION AND ORDER

: ORDER 00000.34
:

Division of Enforcement Case # 07HAD005

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Charles M. Binns
914 N. 17th St.
Manitowoc, WI 54220

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Hearing and Speech Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Wisconsin Hearing and Speech Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Charles M. Binns, Respondent herein, date of birth 12/1/47, is duly licensed as a hearing instrument specialist in the state of Wisconsin, license #268-60. This license was first granted on 3/1/76.

2. Respondent's most recent address on file with the Wisconsin Hearing and Speech Examining Board is 914 North 17th Street, Manitowoc, Wisconsin 54220.

3. At all times relevant to this action, Respondent was working as a hearing instrument specialist in Manitowoc, Wisconsin.

4. Respondent failed to renew his license to practice as a hearing instrument specialist by 2/1/07. Respondent made an on-line application for the late renewal of his license on 8/29/07 and the license was renewed on 8/30/07. Respondent did not have a current license to practice as a hearing instrument specialist between 2/1/07 and 8/30/07. Respondent's failure to timely renew his license was not an intentional act but was the result of an oversight on his part.

5. Respondent continued to engage in the practice of fitting and dealing in hearing aids between 2/1/07 and 8/30/07 when he was not licensed to engage in this activity.

6. Respondent, on 8/29/07 when he made his on-line application for the late renewal of his license to practice as a hearing instrument specialist, knowingly certified on his application that he had completed 20 hours of continuing education programs or courses of study approved by the Wisconsin Hearing and Speech Examining Board within the 2 years preceding the date of his application.

7. In truth and in fact, the Respondent had completed only 10 hours of continuing education programs or courses of study approved by the Wisconsin Hearing and Speech Examining Board in the 2 years preceding 8/29/07.

8. Respondent, by certifying to the Wisconsin Hearing and Speech Examining Board in his application for late renewal of his license to practice as a hearing instrument specialist on 8/29/07 that he had completed 20 hours of approved continuing education when, in fact, he had completed only 10 hours of approved continuing education, knowingly provided false information to the Wisconsin Hearing and Speech Examining Board.

9. The Wisconsin Hearing and Speech Examining Board acting in reliance on the false information provided to the Board granted Respondent's application for the late renewal of his license and renewed the Respondent's license to practice as a hearing instrument specialist in the state of Wisconsin effective 8/30/07.

CONCLUSIONS OF LAW

1. The Wisconsin Hearing and Speech Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 459.10, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 4 and 5 of the Findings of Fact constitutes a violation of Wis. Stat. §§ 459.10(1)(e) and 459.02(1); and Wis. Admin. Code § HAS 7.04 in that Respondent engaged in the practice of selling and fitting hearing aids between 2/1/07 and 8/30/07 when he did not have a current license to practice as a hearing instrument specialist in the state of Wisconsin..

3. The conduct described in paragraphs 4, 6, 7, 8, and 9 of the Findings of Fact constitutes a violation of Wis. Stat. §§ 459.10(1)(a), 459.10(1)(e) and 459.10(1)(k); and Wis. Admin. Code §§ HAS 5.02(2) and HAS 7.05(1)(a)(4) in that Respondent, by certifying in his on-line application to the Wisconsin Hearing and Speech Examining Board on 8/29/07 that he had completed 20 hours of approved continuing education in the 2 years preceding the date of his application when, in fact, he had completed only 10 hours of approved continuing education, knowingly provided false information to the Board in connection with his on-line application for late renewal of his license.

4. The Wisconsin Hearing and Speech Examining Board has the authority pursuant to Wis. Stat. § 440.22 to assess the costs of this proceeding against the Respondent.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Charles M. Binns is REPRIMANDED.

IT IS FURTHER ORDERED that:

2. The license of Charles M. Binns to practice as a hearing instrument specialist in the state of Wisconsin is suspended for a period of 60 days or until all of the terms of paragraphs 3 and 4 of this Order have been satisfied, whichever period of suspension is the greater. The period of suspension shall commence 10 days following the effective date of this Order.

IT IS FURTHER ORDERED that:

3. Charles M. Binns shall take and satisfactorily complete 10 hours of continuing education programs or courses of study approved by the Wisconsin Hearing and Speech Examining Board pursuant to Wis. Stat. § 459.095 and Wis. Admin. Code § HAS 8.04. Charles M. Binns shall not be required to obtain any additional approvals from the Board as a prerequisite to taking the continuing education courses required by this term of the Order. Charles

M. Binns shall attend each continuing education course taken in satisfaction of this term of the Order in its entirety. Charles M. Binns shall, for each continuing education course taken in compliance with this term of the Order, submit evidence of attendance to the Board. The evidence of attendance shall include:

- a. Certification of attendance from the sponsoring organization, and
- b. Affidavit given under oath by Charles M. Binns verifying that he has attended in its entirety each continuing education course taken in satisfaction of this term of the Order.

Charles M. Binns shall pay all costs of attending the continuing education courses taken in satisfaction of this term of the Order and all costs of verifying attendance at these courses.

Charles M. Binns shall not apply or attempt to apply any of the 10 credits of continuing education courses taken in satisfaction of this term of the Order toward satisfaction of his biennial renewal continuing education as required by Wis. Stat. § 459.09(1)(b) and Wis. Admin. Code § HAS 8.03.

IT IS FURTHER ORDERED that:

4. Charles M. Binns shall, within 30 days from the date of this Order, pay costs of this proceeding in the amount of \$1,350.80. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

5. All documents or correspondence submitted pursuant to the terms of this Final Decision and Order shall be mailed, faxed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

6. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Charles M. Binns' license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Charles M. Binns fails to timely submit payment of the costs as ordered or fails to comply with the ordered continuing education as set forth above, Charles M. Binns' license #268-60 may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Charles M. Binns has complied with payment of the costs or completion of the continuing education.

7. This Order is effective on the date of its signing.

Wisconsin Hearing and Speech Examining Board

By: Marilyn Watkins GS
A Member of the Board

1-28-10
Date

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